

**STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

ERNEST FIORAMONTI, DVM
LICENSE NO. 1912

DOCKET NO. 22-118

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 28th day of February 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Ernest Fioramonti, DVM ("Dr. Fioramonti"), License No. 1912. This Consent Agreement resolves a case arising from a complaint filed on July 18, 2022 with the SBVME, assigned Docket No. 22-118, alleging that Dr. Fioramonti did not comply with the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17, as set forth herein.

On January 23, 2023, Dr. Fioramonti, through legal counsel, having been advised in writing regarding his due process rights, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Fioramonti agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing. He further agrees to the terms and conditions of this Consent Agreement.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to this law. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. § 2-310(8). The Board may also impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second or subsequent

offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Ernest Fioramonti, DVM, License Number 1912, by entering into and signing this Consent Agreement, having had the opportunity to seek the advice of legal counsel, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Fioramonti did not satisfy COMAR 15.14.01.10A (Record Keeping) as described below:

1. Dr. Fioramonti is a veterinarian licensed to practice in Maryland, where he has been licensed since 1976. At the time of the events described herein, Dr. Fioramonti was the responsible veterinarian at Towson Veterinary Hospital ("TVH" or "Hospital") (License No. 03-029), located at 716 North York Road, Towson, MD 21204. Dr. Fioramonti has no history of formal disciplinary action by the Board.
2. On June 2, 2022, Ms. Emma Suchowski ("Ms. Suchowski") and her partner, Reese Sexton ("Ms. Sexton"), took their four 1/2-year-old ferret, Lucy, to TVH because Lucy had a swollen vulva for approximately two weeks. According to Ms. Suchowski and Ms. Sexton (collectively "the owners"), Lucy had been posturing to urinate and defecate. Dr. Fioramonti was Lucy's attending veterinarian. Dr. Fioramonti examined Lucy and appropriately performed a urinalysis. The urinalysis showed a pH of 6.5, was positive for protein, and was negative for blood and glucose. In his written statement to the Board addressing this case, Dr. Fioramonti contends that he thoroughly explained his assessment and diagnosis with Ms. Suchowski, and that he discussed his recommendations with Ms. Suchowski. While this Board did not conclude that Dr. Fioramonti violated the standard of care in his treatment of Lucy, TVH's medical records should have better memorialized oral communications with Ms. Suchowski and more thoroughly documented Dr. Fioramonti's assessment of urinalysis results, differential diagnosis, and treatment plan.

3. Later the same day, Lucy presented to another veterinary facility, Falls Road Animal Hospital ("FRAH") (License No. 03-012), for a second opinion. A veterinarian at FRAH examined Lucy, noting that Lucy's exam was within normal limits, except that she was overweight and had a swollen vulva. The FRAH veterinarian's differential diagnosis included possible Adrenal tumor, Neoplasia, UTI, or "Other."
4. The FRAH veterinarian spoke with the owners about Lucy's physical exam findings and possible causes, telling them that the most likely cause of Lucy's issues was an adrenal tumor. The veterinarian recommended sending out an adrenal panel and explained that if it came back abnormal, she would recommend an ultrasound to see if Lucy was a surgical candidate. Further, the FRAH veterinarian explained that if an ultrasound was not an option or if tests showed that Lucy was not a surgical candidate, a suprelorin implant (a once-yearly subcutaneous implant that assists in the management of adrenal disease in ferrets) should be considered.
5. The owners declined diagnostics and wanted to start with the implant. The FRAH veterinarian administered the implant and recommended a recheck exam in 4-6 months. The veterinarian explained that each ferret is different, so the implant may last as little as four months or over a year.
6. On June 6, 2022, Ms. Suchowski submitted a complaint to the SBVME against Dr. Fioramonti arising from the care provided to Lucy.
7. The Board opened a case and investigated, which included obtaining a response from Dr. Fioramonti through his legal counsel.
8. After considering the evidence gathered, the Board concluded that the medical record prepared by Dr. Fioramonti did not satisfy the Board's record keeping standards.
9. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case.
10. Dr. Fioramonti did not satisfy the Board's record keeping standards because he did not document the following information: an assessment of the urinalysis results, a differential diagnosis, an assessment or plan for Lucy's treatment, and his communications with the owners.

Taking the facts and circumstances into consideration, including the nature of the violation(s); the veterinarian's lack of disciplinary history; and his acceptance of responsibility and good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 28th day of February 2023, by the State Board of Veterinary Medical Examiners, ORDERED that:

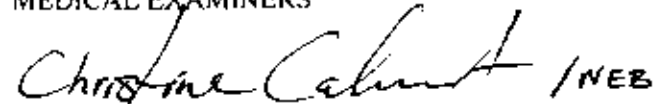
- (a) For not satisfying COMAR 15.14.01.10A (Record Keeping) in the care and treatment provided to Lucy, a ferret owned by Emma Suchowski and Reese Sexton, by not documenting his assessment of urinalysis results, differential diagnosis, assessment of the case or treatment plan, and client communications. Dr. Fioramonti is assessed a civil penalty of \$600;
- (b) Dr. Fioramonti shall pay the civil penalty within sixty (60) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-118" sent to Nathaniel Boan, Executive Director, SBVME 50 Harry S. Truman Parkway, Room Number 102, Annapolis, MD 21401;
- (c) As an additional requirement of this Consent Agreement, Dr. Fioramonti shall complete six (6) hours of continuing education ("CE") in record keeping, consisting of the Medical Record Keeping for Veterinarians course found at drip.vet or an equivalent course pre-approved by the Board. Any CE other than the drip.vet course proposed to satisfy this requirement must be submitted to and approved by the Board in advance. Requests for pre-approval shall be emailed to Nathaniel Boan, Executive Director, at Nathaniel.boan@maryland.gov. The request should include a link to the CE, or detailed information about the course content, including a syllabus;

(d) The CE shall be completed, and verification of completion provided to the Board within sixty (60) days from the date of this Order, with verification sent by email to Nathaniel Boan, Executive Director, at nathaniel.boan@maryland.gov. Proof from the CE provider shall include the veterinarian's name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE will not count toward the 18 credit hours required annually for re-registration of the veterinary license. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian's CE records for relevant years; and

(e) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 28th day of February 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read "Christine Calvert", followed by the initials "NEB" in a separate, slightly larger script.

Christine Calvert, DVM

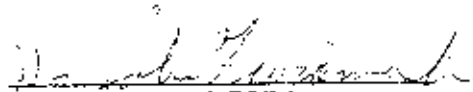
Member

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Ernest Fioramonti, DVM, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of six pages, including this Consent. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 2/29/22


Ernest Fioramonti, DVM